IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH

AT HYDERABAD

THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P.No. 22188 of 2000

Dated : 5.8.2005

Between:

Kakunuru Ramachandra Rao & others.

.. Petitioner

and

The Deputy Secretary to Government of India,

Ministry of Home Affairs, Freedom Fighters Division,

1st floor, Loknayak Bhavan, New Delhi & others.

.. Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P.No. 22188 of 2000

ORDER:

The writ petition is filed seeking a direction to the respondents to consider the applications of the petitioners for grant of freedom fighters pension on par with similarly situated persons under "Swatantra Sainik Samman Pension" with all consequential arrears.

The petitioners claims to be freedom fighters having participated in the freedom struggle launched by the erstwhile Hyderabad State Congress Movement against the then Nizam Government in 1947-48. It is further stated that they attacked various police stations and attended various camps and they have hoisted national flats in their villages and also in neighbouring villages during the said period and as per the order of the Congress High Command, they went underground and continued the movement. The grievance of the petitioners in this writ petition is that they have made applications to the respondents for grant of freedom fighters pension under the scheme of "Swatantra Sainik Samman Pension Scheme" sponsored by the Government of India along with certificates issued by their respective camps in charge, but the respondents neither considering their applications nor rejecting their request for grant of freedom fighter pension. The petitioners' further state that in a batch of writ petitions i.e. W.P.No.8959 of 1995 and batch dated 28.9.1999 this Hon'ble Court granted directions to consider the applications of similarly situated persons.

Heard the learned counsel for petitioner and the learned Standing Counsel for Central Government.

Even though the writ petition is of the year 2000, the respondents have not filed any counter in the matter. The matter underwent adjournments twice for filing counter affidavit by the respondents. On 19.7.2005, Mr.A.Gopala Krishnamacharyulu, learned counsel appearing for respondents finally sought two weeks time for filing counter. Therefore, this Court while adjourning the matter for two weeks, passed a conditional order that if no counter affidavit is filed within the said period, the respondents shall pay a sum of Rs.5000/- towards costs.

Today, when the matter came up for consideration, the learned counsel appearing for respondents has neither filed counter affidavit nor is ready with the instructions in the matter.

In the circumstances, this Court is left with no other alternative, but to believe the version of the petitioners as narrated in the affidavit to be true and correct.

Accordingly, this writ petition is allowed as prayed for. The respondents are directed to consider the applications of the petitioners for grant of freedom fighter's pension on par with similarly situated persons under "Swatantra Sainik Samman Pension" with all consequential arrears forthwith. No costs.

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N.V.RAMANA, J

Date: 5.8.2005

DA/NSR

THE HON'BLE SRI JUSTICE N.V.RAMANA

9.8.2005